

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALPHONCY DANGERFIELD ET AL,

Plaintiff,

v.

GARDNER ET AL,

Defendant.

ORDER

Case No. 18-cv-1016-jdp

Plaintiff Jeffery Love has submitted a certified inmate trust fund account statement for the six month period preceding the complaint in support of the pending motion to proceed without prepayment of the filing fee. Accordingly, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 fee for filing this case.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I calculate plaintiff's initial partial filing fee to be \$202.51. For this case to proceed, plaintiff must submit this amount on or before January 14, 2019.

If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

ORDER

IT IS ORDERED that,

1. Plaintiff Jeffery Love is assessed \$202.51 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$202.51 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before January 14, 2019.

2. If, by January 14, 2019, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily.

Entered this 21st day of December, 2018.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge